

March 4th, 2019

Wayne Barnett  
Seattle Ethics and Elections Commission  
Seattle Municipal Tower  
700 5th Ave, Suite 4010  
Seattle, WA 98104

Director Barnett,

I am filing an ethics complaint against Kshama Sawant, on behalf both of myself as a Seattle resident and my fellow District 3 neighbors, regarding her activities between 2016 and 2018. Based on recently published internal documents produced by members of the leadership of the Socialist Alternative party, it appears she has committed at least two violations, one of the Seattle Code of Ethics, and another of the Public Records Act of Washington State.

While I expect that these apparent violations of city and State law will ultimately be adjudicated at the ballot box, I believe for the health of our democratic institutions the voters of District 3 and Seattle deserve to know definitively the extent and legality of Councilmember Sawant's actions during her tenure in office.

### **Councilmember Sawant appropriated city funds and resources for use by a political party**

**Rule:** Section 4.16.070(B)(2) of the Seattle Ethics Code reads, “A covered individual may not... use or attempt to use, or permit the use of any City funds, property, or personnel, for a purpose which is, or to a reasonable person would appear to be, for other than a City purpose.”

**Violation:** Kshama Sawant permitted the use of city funds and personnel by the Socialist Alternative party.

**Fact 1:** In an internal memo, the Socialist Alternative Party clarifies that their hiring practices for full-time employment by the party is, first and foremost, political in nature and for the benefit of the Socialist Alternative party.<sup>1</sup>

**Fact 2:** The Socialist Alternative party asserts that Councilmember Sawant’s office is subordinate to the party.<sup>2</sup>

**Fact 3:** Councilmember Sawant confirms that the “Council Office” is subordinate to the Socialist Alternative Party.<sup>3</sup>

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<sup>1</sup> “Socialist Alternative hires comrades to work full time first on a political basis, and this starts with a national and international perspective.” (Appendix A, page 2)

<sup>2</sup> “...The council office is a critical political asset and organizing tool that belongs to the Seattle branches, and to the national organization...” (Appendix A, page 4)

<sup>3</sup> “...I completely reject the idea that the Council Office is failing - in any way - [...] to be accountable to the SEC [Socialist Alternative Seattle Executive Committee] and the [Socialist Alternative] organization...” (Appendix B, page 4)

**Fact 4:** The Socialist Alternative party effected a personnel change of city paid staff in Councilmember Sawant's office by terminating Whitney Kahn.<sup>4</sup>

**Conclusion:** Both Councilmember Sawant and the Socialist Alternative party have stated that the Councilmember's city-paid office staff are accountable and subordinate to the Socialist Alternative party. The Socialist Alternative party Executive Committee members explicitly stated that their criteria in hiring all paid staff ("full-timers") is done for political purposes above all other considerations, and demonstrated their control of city-paid staffing by terminating an employee in Councilmember Sawant's office. These statements and actions definitively demonstrate the use of city resources for the benefit of a political party and not for the benefit of the city of Seattle. Violations of this type are a class B felony per RCW40.16.020.

### **Councilmember Sawant violated the Public Records Act**

**Rule:** RCW42.56.080(2) reads, "Public records shall be available for inspection[...]and agencies shall[...]make them promptly available to any person..." RCW42.56.010 defines a "public record" as, "...any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function[...]by any state or local agency regardless of physical form or characteristics..."

**Fact 1:** Public Records Act requests for documents regarding the employment of Whitney Kahn resulted in zero documents produced by Councilmember Sawant's office.<sup>5</sup>

**Fact 2:** A bulletin written by a subset of the Executive Committee of the Socialist Alternative party references the existence of documents regarding the conduct and termination of Whitney Kahn, stored in a "Google folder."<sup>6</sup>

**Conclusion:** Councilmember Sawant and her staff have been using 3rd party communications services to conduct City of Seattle business (the hiring and firing of her staff), and deliberately concealed those documents Public Records requests, in violation of RCW42.56. Violations of this type are a class B felony per RCW40.16.020.

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<sup>4</sup> "...The EC and comrades leading the work in Seattle felt Whitney should not be one of the five staff focused on the local work of the branches in Seattle..." (Appendix C, page 1)

<sup>5</sup> SCC Insight published, "...Public Document Request filed related to the termination of employment of Liebermann and Kahn returned no documents or emails from Sawant and her office — nothing at all..." (<https://sccinsight.com/2019/01/07/sa-sawant/#more-9518>)

<sup>6</sup> "[...]a number of the documents relating to Whitney and Rebekah have now been made available (though not all) and the links are available to four additional documents in Response to the EC Majority Reply[...]. A clear notification needs to be sent to all comrades calling their attention to the additional documents (separate from the 'sensitive material') that were excluded by the EC in their various packets." (Appendix D, page 11) and "...On June 15th a new document from Whitney (titled 06/14 WK Statement to June NC) was also added to the 'sensitive material' Google subfolder called "Council Staffing: WK." (Appendix D, page 12)

While elected officials are expected to make decisions based, in part, on their ideological preferences, they may not legally appropriate government resources to advance that ideology outside the boundaries of city business. Nor may they shield documentation of those actions from the public record by conducting city business using private communications services.

I request that you review the attached documents and excerpts as well as other information now available to the general public<sup>7</sup> to determine whether these apparent violations reach the legal threshold of violations under the Seattle Code of Ethics and RCW40.16.020. Thank you for your consideration.

Sincerely,



Logan Bowers  
District 3 Resident

CC: Mark Mayo  
CC: Attorney General Bob Ferguson

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<sup>7</sup> SCC Insight has published a large number of internal Socialist Alternative documents at, <https://sccinsight.com/sadocs/>.